

MMD-1 RD&D PERMIT
MODULE I - STANDARD PERMIT CONDITIONS

I.A. EFFECT OF PERMIT

- I.A.1 The Permittee is allowed to treat hazardous waste at U.S. Army Dugway Proving Ground in the Munitions Management Device Version 1 (MMD-1), Subpart X unit in accordance with the conditions of this Research Development and Demonstration (RD&D) permit. The Permittee is allowed to store waste prior to treatment in the Munitions Storage Magazine. A detailed project description is presented in Attachment 1 and the test plan and project goals are presented in Attachment 2.
- I.A.2 Pursuant to R315-3-13, compliance with this permit constitutes compliance, for purposes of enforcement, with the Utah Solid and Hazardous Waste Act and RCRA, as amended by HSWA, except for those requirements not included in this permit which become effective by statute, or which are future regulatory changes.
- I.A.3 Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local law or regulations.

I.B. ENFORCEABILITY

Violations duly documented through the enforcement process and upheld through judicial action, pursuant to Utah Code Annotated 19-6-113, may result in penalties of up to \$10,000 per calendar day per violation.

I.C. OTHER AUTHORITY

The Board expressly reserves any right of entry provided by law and any authority to order or perform emergency or other response activities as authorized by law.

I.D. PERMIT ACTIONS

- I.D.1. This permit may be modified, revoked and reissued, or terminated for cause, as specified in R315-3-15 or R315-3-16.
- I.D.2. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes, requiring prior agency approval, or anticipated noncompliance on the part of the Permittee does not stay the applicability of any permit condition or the ability of the agency to enforce any permit condition.
- I.D.3. All conditions within the modules of this permit supersede conflicting statements, requirements or procedures found within the Attachments.

- I.D.4 If a conflict exists between conditions within this permit or between attachments, the most stringent condition or attachment, as determined by the Executive Secretary, shall be met.
- I.D.5 Attachments are incorporated into this permit as enforceable conditions, except as provided in I.D.3.
- I.D.6 The Executive Secretary may modify this permit when the standards or regulations on which the permit was based have been changed by statute, through promulgation of new or amended standards or regulations, or by judicial decision after the effective date of this permit.
- I.D.7 This permit may be modified at the request of the Permittee in accordance with the procedures of R315-3-15(d).

I.E. SEVERABILITY

The provisions of this permit are severable and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby. Invalidation of any State or federal statutory or regulatory provision which forms the basis for any condition of this permit does not affect the validity of any other State or federal statutory or regulatory basis for said condition.

I.F. DUTIES TO COMPLY

- I.F.1. The Permittee shall comply with all conditions of this permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit issued in accordance with R315-3-19. Any permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of the Utah Solid and Hazardous Waste Act, and is grounds for: enforcement action, permit modification, revocation and reissuance, or termination; or denial of a permit renewal application; or a combination of enforcement action and any of the other listed remedies.
- I.F.2. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under Sections 3007, 3008, 3013, or 7003 of RCRA (42 U.S.C. Sections 6927, 6928, 6934 and 6973), Section 106(a), 104, or 00107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9606(a), 9604, and 9607, commonly known as CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), or any other State or federal law providing for protection of public health or the environment from any imminent and substantial endangerment to human health or the environment.

I.G. DUTY TO REAPPLY

A minimum of one hundred and eighty (180) calendar days prior to the expiration date of this permit, if the Permittee wishes to continue an activity allowed by this permit after the expiration date of this permit, the Permittee shall apply for a new permit in accordance with R315-3-3(e) and R315-3-10(b).

I.H. PERMIT EXPIRATION

This permit shall be effective for 365 operating days, or three years, from the effective date of this permit (see EPA, Office of Solid Waste and Emergency Response (OSWER) Policy Directive 9527.00-1A, section 5.3). Operating day means any day on which the MMD-1 treats chemical agent or any day on which chemical agent is stored in any of the units identified in Module III. The Permittee shall keep a running total of operating days in the Operating Record.

I.I._ Reserved

I.J. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

I.K. DUTY TO MITIGATE

In the event of noncompliance with the permit, the Permittee shall take all reasonable steps to minimize releases to the environment resulting from the noncompliance, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.

I.L. PROPER OPERATION AND MAINTENANCE

The Permittee shall, at all times, properly operate and maintain all facilities and control systems (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary equipment or similar systems only when necessary to achieve compliance with the conditions of this permit.

I.M. DUTY TO PROVIDE INFORMATION

The Permittee shall furnish to the Executive Secretary, within a reasonable time, any relevant information which the Executive Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Executive Secretary upon request, copies of records required to be kept by this permit.

I.N. INSPECTION AND ENTRY

Pursuant to the Utah Solid and Hazardous Waste Act, UAC 19-6-109, the Permittee shall allow the Board, the Executive Secretary, or their authorized officer, employee, or representative, upon the presentation of credentials and other documents as may be required by law, to:

- I.N.1. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records are kept as required by the conditions of this permit;
- I.N.2. Have access to and copy, at reasonable times, any records that are kept as required by the conditions of this permit;
- I.N.3. Inspect at reasonable times any portion of the Facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;
- I.N.4. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Utah Solid and Hazardous Waste Act or RCRA, any substances or parameters at any location; and
- I.N.5. Make record of inspection by photographic, electronic, videotape, or any other reasonable medium.

I.O. MONITORING AND RECORDS

- I.O.1. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and for continuous monitoring instrumentation, copies of all reports and records required by this permit, and records of all data used to complete the application for this permit for a period of at least 3 years from the date of the sample, measurement, report, certification, or recording unless a longer retention period for certain information is required by other conditions of this permit. These periods may be extended by request of the Executive Secretary at any time by written notification to the Permittee and the retention times are automatically extended during the course of any unresolved enforcement action regarding the Facility to five (5) years beyond the conclusion of the enforcement action.

- I.O.2. Pursuant to R315-3-10(j), records of monitoring information shall specify at a minimum:
- I.O.2.a The analytical or other measuring techniques and methods used;
- I.O.2.b. The date(s), exact place, and times of sampling or measurements;
- I.O.2.c. The name(s), title(s), and affiliation of individual(s) who performed the sampling or took measurements;
- I.O.2.d. The date(s) analyses or measurements were performed;
- I.O.2.e. The results of such analyses or measurements;
- I.O.3. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

I.P. REPORTING PLANNED CHANGES

The Permittee shall give written notice to the Executive Secretary of any planned physical alterations or additions to any hazardous waste management unit or system being permitted or previously permitted in accordance with R315-3-10(l)(1) and R315-3-15(d). Planned physical alterations or additions shall include all changes in any hazardous waste activities. Construction or operation of new or modified hazardous waste units shall not begin until a permit modification is approved (R315-3-15), except as outlined in Condition II.L for RD&D activities.

I.Q. REPORTING ANTICIPATED NONCOMPLIANCE

The Permittee shall give advance notice to the Executive Secretary of any planned changes in the permitted Facility or activity which may result in noncompliance with requirements of this permit. Advance notice shall not constitute a defense for any noncompliance.

I.R. CERTIFICATION OF CONSTRUCTION OR MODIFICATION

The Permittee shall not commence storage or treatment of hazardous waste in a modified portion of the MMD-1 except as provided in Condition I.P and R315-3-15(d) (40 CFR 270.42), until:

- I.R.1. The Permittee has submitted to the Executive Secretary:

- I.R.1.a. A letter signed by the Permittee and a Utah registered professional engineer qualified by experience and education in the appropriate engineering field certifying that the unit(s) have been constructed or modified in compliance with this permit; and
- I.R.1.b. As-built engineering drawings and specifications as appropriate; and
- I.R.2. The Executive Secretary or designated representative has reviewed and inspected the modified or newly constructed unit(s) and has notified the Permittee in writing that the unit(s) were found in compliance with the conditions of this permit.

I.S. TWENTY-FOUR HOUR REPORTING

- I.S.1. In accordance with R315-3-10(l)(6), the Permittee shall orally report to the Executive Secretary any noncompliance with this permit which may endanger human health or the environment. Any such information shall be reported as soon as possible, but not later than twenty-four (24) hours from the time the Permittee becomes aware of the noncompliance.
- I.S.1.a The Permittee shall orally report any release of chemical agent outside the east test chamber of Building 3445. All detections of chemical agent above the 8-hour time weighted average (TWA) as specified in Army Regulation 385-61 inside the test chamber shall be recorded in the operating record.
- I.S.1.b The Permittee shall orally report, within 24 hours, all detections of chemical agent measured in the area between the first and second carbon filters of the Building 3445 carbon filter system. This information shall also be include in the Operating Record.
- I.S.2. In accordance with R315-9, the Permittee shall orally report to the Executive Secretary any Facility spill of a reportable quantity of hazardous waste or material which, when spilled becomes a hazardous waste. This report shall be made within 24-hours of discovery of the spill or release.

I.T COMPLIANCE SCHEDULES

- I.T.1 Prior to operation, the Permittee shall submit information, for approval by the Executive Secretary as described in Conditions II.C, II.E., II.K and III.C.

I.U. Reserved

I.V. OTHER NONCOMPLIANCE

The Permittee will annotate in the operating record any instances of non-compliance and shall report all other instances of noncompliance with this permit not otherwise required

to be reported in accordance with condition I.T., within seven days of discovering the noncompliance. Reporting shall not constitute a defense for any noncompliance.

I.W. OTHER INFORMATION

Whenever the Permittee becomes aware that it failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application (except minor deviations as allowed by II.B.2), or in any report submitted to the Executive Secretary, the Permittee shall submit such facts or corrected information within seven (7) days.

I.X. SIGNATORY REQUIREMENT

All applications, reports, or other information requested by or submitted to the Executive Secretary shall be signed and certified in accordance with R315-3-8. and R315-3-10.(k).

I.Y. CONFIDENTIAL INFORMATION

The Permittee may claim as confidential any information required to be submitted by this permit in accordance with the Government Records Access and Management Act (GRAMA).

I.Z. REPORTS, NOTIFICATIONS, AND SUBMISSIONS

All reports, notifications, or other submissions which are required by this permit to be transmitted to the Executive Secretary should be hand delivered or sent by certified mail or other means of proof of delivery to:

Division of Solid and Hazardous Waste
P.O. Box 144880
Salt Lake City, Utah 84114-4880
801-538-6170

During normal business hours (8 am to 5 PM, Monday through Friday, except Utah State holidays) required oral notifications shall be given only to the Executive Secretary or an Environmental Health Manager, Environmental Health Scientist, or Engineer employed by the Executive Secretary to assist him in administering the hazardous waste program. Notifications made at other times shall be made to one of the aforementioned persons if the Permittee can contact such person at the Facility or at the office of the Division of Solid and Hazardous Waste. Otherwise, notification shall be made to the twenty-four (24) hour answering service at 801-536-4123. Notifications made to the twenty-four (24) hour answering service shall include all applicable information required by this permit. The Permittee shall give oral notification to the Executive

Secretary or an Environmental Manager, Environmental Scientist, or Engineer employed by the Executive Secretary to assist him in administering the hazardous waste program on the first business day following notification to the twenty-four (24) hour answering service.

I.AA. DOCUMENTS TO BE MAINTAINED AT THE FACILITY SITE

The Permittee shall maintain a complete and up to date copy of this RD&D permit, copies of all standard operating procedures referenced in this permit, the operating record and copies of inspection records at the MMD-1 test site until closure.

I.BB. PROTECTION OF HUMAN HEALTH AND THE ENVIRONMENT

Pursuant to Section 3005(C)(3) of RCRA (Section 212 of HSWA), codified as 40 CFR 270.32(b)(2), and R315-3-23(b)(2), this permit contains those terms and conditions determined necessary to protect human health and the environment.